

REMARKS

I. The Section 112 Rejection

The Examiner has objected to the disclosure under 37 C.F.R. §1.63(a), on the basis that the specification presents less than a full and complete botanical description of the plant and the characteristics which distinguish the plant from related known varieties. Claim 1 stands rejected under 35 U.S.C. § 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Examiner's objection to the disclosure.

The specification has been amended, as suggested by the Examiner, to make a full and complete a disclosure of the plant and the characteristics that distinguish it from other related known varieties and antecedents. With reference to the red-lined version, the specification has been amended at page 2, line 11, to indicate that the variety is a naturally occurring whole plant mutation.

At page 5, line 12, the petiole diameter has been inserted and at page 6, line 11, the pedicel strength has been amended as suggested by the Examiner. At page 6, lines 12-16, the length, diameter, color, surface and strength of the peduncle have been added.

The Examiner noted in the Office Action that the Applicant's description of the flowering habit for the instant variety as "cyme" and the inflorescence as "corymbose" are contradictory. Applicant disagrees since one term is used to describe flowering development while the other describes flowering presentation. The term "cyme" as used here describes an inflorescence that flowers from the terminal flower first followed by the trailing lateral buds. On the other hand, "corymbose" describes the inflorescence form whereby the lower or outer flowering stalks are longer than the inner stalks. As such, the terms do not appear to

conflict. As further clarification, the specification has been amended at page 5, lines 25-26 to indicate that the inflorescence of the instant variety is corymibiform in form, in that the outer stalks are longer than the inner stalks, however, the flowering habit for the variety is cyme and flowers from the terminal flower first.

At page 6, line 17, the specification has been amended to indicate that the ray florets are oblong in shape. At page 7, line 20, the specification has been amended to reflect that the lastingness of blooms is about 28 days.

There are no amendments to the claim or Abstract.

The above amendments to the specification have addressed the remaining Examiner's objections to the disclosure under 37 C.F.R. §1.63, first paragraph and under 35 U.S.C. § 112, first and second paragraphs. It is respectfully submitted that those objections are now overcome. As a consequence, the basis for the Examiner's rejection under 35 U.S.C. § 112, first and second paragraphs, is no longer present and it is respectfully requested that the rejection on this basis be withdrawn.

CONCLUSION

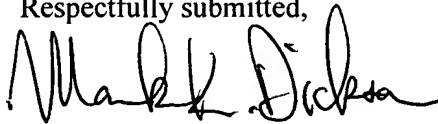
It is respectfully submitted that the Examiner's rejection under 35 U.S.C. § 112 has been overcome by the above-amendments and remarks and should be withdrawn. There are no further rejections or objections to the disclosure or the claim and the application is now believed to be in condition for allowance.

No additional fees are believed to be due, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038 referencing docket number 10451.0056.NPUS01.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

Dated: June 9, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark K. Dickson', written in a cursive style.

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